

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

BOBBY W. ENDSLEY,

Plaintiff,

No. CIV S-04-0990 FCD GGH P

vs.

YOLO COUNTY SHERIFF'S  
DEPARTMENT, et al.,

Defendants.

ORDER

On July 7, 2005, plaintiff submitted a request for the appointment of counsel.<sup>1</sup> The United States Supreme Court has ruled that district courts lack authority to require counsel to represent indigent prisoners in § 1983 cases. Mallard v. United States Dist. Court, 490 U.S. 296, 298 (1989). In certain exceptional circumstances, the court may request the voluntary assistance

---

<sup>1</sup>That document was not served on respondents. Petitioner is advised that every document submitted to the court for consideration must be served on respondents. Fed. R. Civ. P. 5. Documents not to be served electronically are usually served by placing a copy in the U.S. mail. If an attorney has filed a document with the court on behalf of respondents, then documents submitted by petitioner must be served on that attorney and not on the respondents themselves. Every document submitted conventionally to the court (e.g., by a prisoner proceeding pro se) must include a certificate stating the date an accurate copy of the document was mailed to respondents or their attorney and the address to which it was mailed. See Local Rule 5-135(b) and (c). In future, plaintiff must serve any document for which he seeks consideration by the court.

1 of counsel pursuant to 28 U.S.C. § 1915(e)(1). Terrell v. Brewer, 935 F.2d 1015, 1017 (9th Cir.  
2 1991); Wood v. Housewright, 900 F.2d 1332, 1335-36 (9th Cir. 1990). In the present case, the  
3 court does not find the required exceptional circumstances. Plaintiff's request for the  
4 appointment of counsel will therefore be denied.

5 Accordingly, IT IS HEREBY ORDERED that:

- 6 1. Plaintiff's July 7, 2005 request for appointment of counsel is denied; and
- 7 2. Plaintiff is cautioned that failure to serve any documents subsequently filed in  
8 this action properly, and failure to include a proper certificate of service with such filing, may  
9 result in a recommendation that this action be dismissed.

10 DATED: 8/5/05

11 /s/ Gregory G. Hollows

12 \_\_\_\_\_  
13 GREGORY G. HOLLOWS  
UNITED STATES MAGISTRATE JUDGE

14 GGH:009/bb  
15 ends0990.35a  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26